



House of Representatives

General Assembly

File No. 33

January Session, 2009

Substitute House Bill No. 6324

House of Representatives, March 3, 2009

The Committee on Public Safety and Security reported through REP. DARGAN of the 115th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

***AN ACT CONCERNING THE INSPECTION OF ELEVATORS, THE
AUTHORITY OF THE STATE AND LOCAL FIRE MARSHALS, THE
REGULATION OF EXPLOSIVES AND OTHER TECHNICAL CHANGES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 29-195 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 Each elevator or escalator shall be thoroughly inspected by a
4 department elevator inspector at least once each eighteen months,
5 except [private residence elevators, as defined in the regulations
6 adopted pursuant to section 29-192,] elevators located in private
7 residences shall be inspected upon the request of the owner. More
8 frequent inspections of any elevator or escalator shall be made if the
9 condition thereof indicates that additional inspections are necessary or
10 desirable.

11 Sec. 2. Section 29-196 of the general statutes is repealed and the
12 following is substituted in lieu thereof (*Effective October 1, 2009*):

13 As soon as the department approves any new, relocated or altered
14 elevator or escalator as being fit for operation, it shall issue to the
15 owner a certificate of operation for a capacity and speed specified in
16 the inspector's report. The fee for the certificate first issued shall be two
17 hundred dollars. Such certificate shall be posted conspicuously in the
18 car or cage or on the platform of the elevator or escalator and shall be
19 valid for twelve months. Thereafter, the certificate shall be renewed
20 every two years upon receipt of the renewal fee of one hundred twenty
21 dollars, except that [private residence elevators, as defined in the
22 regulations adopted pursuant to section 29-192,] elevators located in
23 private residences shall not be subject to said renewal requirement. No
24 fee shall be required of the state or any agency of the state. No elevator
25 or escalator may be lawfully operated without such certificate.

26 Sec. 3. Subsection (a) of section 29-292 of the general statutes is
27 repealed and the following is substituted in lieu thereof (*Effective*
28 *October 1, 2009*):

29 (a) The State Fire Marshal and the Codes and Standards Committee
30 shall adopt and administer a Fire Safety Code and at any time may
31 amend the same. The code shall be based on a nationally recognized
32 model fire code and shall be revised not later than January 1, 2005, and
33 thereafter as deemed necessary to incorporate advances in
34 technologies and improvements in construction materials and any
35 subsequent revisions to the code not later than eighteen months
36 following the date of first publication of such revisions to the code,
37 unless the State Fire Marshal and the committee certify that a revision
38 is not necessary for such purpose. The regulations in said code shall
39 provide for reasonable safety from fire, smoke and panic therefrom, in
40 all buildings and areas adjacent thereto except in private dwellings
41 occupied by one or two families and upon all premises, [except those
42 used for manufacturing,] and shall include provision for (1) carbon
43 monoxide detection and warning equipment in new residential
44 buildings not exempt under regulations adopted pursuant to this
45 subsection and designed to be occupied by one or two families for
46 which a building permit for new occupancy is issued on or after

47 October 1, 2005, and (2) smoke detection and warning equipment in
48 (A) residential buildings designed to be occupied by two or more
49 families, (B) new residential buildings designed to be occupied by one
50 family for which a building permit for new occupancy is issued on or
51 after October 1, 1978, requiring equipment complying with the Fire
52 Safety Code, and (C) new residential buildings designed to be
53 occupied by one or more families for which a building permit for new
54 occupancy is issued on or after October 1, 1985, requiring equipment
55 capable of operation using alternating current and batteries. Said
56 regulations shall provide the requirements for markings and literature
57 which shall accompany such equipment sufficient to inform the
58 occupants and owners of such buildings of the purpose, protective
59 limitations and correct installation, operating, testing, maintenance
60 and replacement procedures and servicing instructions for such
61 equipment and shall require that smoke detection and warning
62 equipment which is installed in such residential buildings shall be
63 capable of sensing visible or invisible smoke particles, that the manner
64 and location of installing smoke detectors shall be approved by the
65 local fire marshal or building official, that such installation shall not
66 exceed the standards under which such equipment was tested and
67 approved and that such equipment, when activated, shall provide an
68 alarm suitable to warn the occupants, provided each hotel, motel or
69 inn shall install or furnish such equipment which, when activated,
70 shall provide a visible alarm suitable to warn occupants, in at least one
71 per cent of the units or rooms in such establishment having one
72 hundred or more units or rooms and in establishments having less
73 than one hundred units or rooms, it shall install or furnish at least one
74 such alarm. Said regulations shall provide the requirements and
75 specifications for the installation and use of carbon monoxide detection
76 and warning equipment and shall include, but not be limited to, the
77 location, power requirements and standards for such equipment and
78 exemptions for buildings that do not pose a risk of carbon monoxide
79 poisoning due to sole dependence on systems that do not emit carbon
80 monoxide.

81 Sec. 4. Section 29-298 of the general statutes is repealed and the

82 following is substituted in lieu thereof (*Effective October 1, 2009*):

83 (a) The State Fire Marshal and the Codes and Standards Committee,
84 acting jointly, shall adopt minimum standards of qualification for local
85 fire marshals, deputy fire marshals, fire inspectors and such other
86 classes of inspectors and investigators as they deem necessary. The
87 State Fire Marshal and the Codes and Standards Committee shall (1)
88 prepare and conduct oral, written or practical examinations to
89 determine if a person is qualified and eligible to be certified, or (2)
90 accept successful completion of programs of training developed by
91 public agencies and approved by them as proof of qualification for
92 certification eligibility, or (3) prepare and conduct a training program,
93 the successful completion of which shall qualify a person to be
94 certified. Upon determination of the qualification of a local fire official
95 under subdivision (1), (2) or (3) of this subsection, the State Fire
96 Marshal and the Codes and Standards Committee shall issue or cause
97 to be issued a certificate to such person stating that the person is
98 eligible to be certified. The State Fire Marshal and the Codes and
99 Standards Committee shall establish classes of certification that will
100 recognize the varying involvements of such local fire officials. Local
101 fire marshals, deputy fire marshals, fire inspectors and other inspectors
102 or investigators holding office in any municipality shall be certified in
103 accordance with subdivision (1), (2) or (3) of this subsection. On or
104 after October 1, 1979, no local fire marshal, deputy fire marshal, fire
105 inspector or other inspector or investigator shall be appointed or hired
106 unless such person is certified and any such person shall be removed
107 from office if such person fails to maintain certification. The State Fire
108 Marshal and the Codes and Standards Committee shall conduct
109 educational programs designed to assist such local fire officials in
110 carrying out the duties and responsibilities of their office. Such
111 educational programs for local fire marshals, deputy fire marshals and
112 fire inspectors shall be in addition to the programs specified under
113 subdivisions (2) and (3) of this subsection and shall consist of not less
114 than ninety hours of training over a three-year period. The State Fire
115 Marshal and the Codes and Standards Committee shall establish the
116 minimum hours of training for the other classes of inspectors and

117 investigators, which shall recognize the varying involvements of such
118 officials. Each local fire official shall attend such training programs or
119 other approved programs of training and present proof of successful
120 completion to the State Fire Marshal. The State Fire Marshal may, after
121 notice and opportunity for hearing, and with the participation of one
122 or more members of the Fire Marshal Training Council, revoke any
123 certificate issued under the provisions of this subsection for failure on
124 the part of a local fire official to present such proof. Any appointed
125 local fire marshal, deputy fire marshal or other inspector or
126 investigator who wishes to retire his or her certificate may apply to the
127 State Fire Marshal and the Codes and Standards Committee to have
128 such certificate retired and be issued a certificate of emeritus. Such
129 retired local fire official may no longer hold himself or herself out as a
130 certified local fire official.

131 (b) No local fire marshal, deputy fire marshal, fire inspector or other
132 inspector or investigator acting for a local fire marshal, who is charged
133 with the enforcement of the Fire Safety Code and this chapter, may be
134 held personally liable for any damage to persons or property that may
135 result from any action that is required or permitted in the discharge of
136 his official duties while acting for a municipality or fire district. Any
137 legal proceeding brought against any such fire marshal, deputy fire
138 marshal, fire inspector or other inspector or investigator because of any
139 such action shall be defended by such municipality or fire district. No
140 such fire marshal, deputy fire marshal, fire inspector or other inspector
141 or investigator may be held responsible for or charged with the costs of
142 any such legal proceeding. Any officer of a local fire marshal's office, if
143 acting without malice and in good faith, shall be free from all liability
144 for any action or omission in the performance of his official duties.

145 (c) [Each] Except as provided in this subsection, each certified
146 deputy fire marshal, fire inspector or other inspector or investigator
147 shall act under the direction and supervision of the local fire marshal
148 while enforcing the Fire Safety Code and the provisions of this chapter.
149 The local fire marshal may authorize, in writing, such deputy fire
150 marshal or fire inspector to issue any permit or order under the

151 provisions of this part or to certify compliance with the provisions of
152 the Fire Safety Code, on his behalf. If no local fire marshal has been
153 appointed in accordance with the provisions of section 29-297, the
154 deputy fire marshal or acting fire marshal shall assume the authority
155 granted to the local fire marshal under this section.

156 Sec. 5. Section 29-349 of the general statutes is repealed and the
157 following is substituted in lieu thereof (*Effective October 1, 2009*):

158 (a) The Commissioner of Public Safety shall have exclusive
159 jurisdiction in the preparation of and may enforce reasonable
160 regulations for the safe and convenient storage, transportation and use
161 of explosives and blasting agents used in connection therewith, which
162 regulations shall deal in particular with the quantity and character of
163 explosives and blasting agents to be stored, transported and used, the
164 proximity of such storage to inhabited dwellings or other occupied
165 buildings, public highways and railroad tracks, the character and
166 construction of suitable magazines for such storage, protective
167 measures to secure such stored explosives and blasting agents and the
168 abatement of any hazard that may arise incident to the storage,
169 transportation or use of such explosives and blasting agents.

170 (b) No person, firm or corporation shall engage in any activity
171 concerning the storage, transportation or use of explosives unless such
172 person, firm or corporation has obtained a license therefor from the
173 Commissioner of Public Safety. Such license shall be issued upon
174 payment of a fee of one hundred dollars and upon submission by the
175 applicant of evidence of good moral character and of competence in
176 the control and handling of explosives, provided, if such license is for
177 the use of explosives, it may be issued only to an individual person
178 after demonstration that such individual is technically qualified to
179 detonate explosives. Any such license to use explosives shall bear both
180 the fingerprints of the licensee obtained by the Commissioner of Public
181 Safety at the time of licensing, and the licensee's photograph, furnished
182 by the licensee, of a size specified by the commissioner and taken not
183 more than one year prior to the issuance of the license. Each such

184 license shall be valid for one year from the date of its issuance, unless
185 sooner revoked or suspended, and may be renewed annually
186 thereafter upon a payment of seventy-five dollars.

187 (c) The Commissioner of Public Safety shall require any applicant
188 for a license under this section to submit to state and national criminal
189 history records checks. The criminal history records checks required
190 pursuant to this subsection shall be conducted in accordance with
191 section 29-17a.

192 (d) No person shall manufacture, keep, store, sell or deal in any
193 explosives unless such person has a valid license under the provisions
194 of subsection (b) of this section and obtains from the Commissioner of
195 Public Safety or from the fire marshal of the town where such business
196 is conducted a written permit therefor, which permit shall not be valid
197 for more than one year and for which such person shall pay a fee of
198 fifty dollars. If the permit is issued by the Commissioner of Public
199 Safety, the commissioner shall forward a copy thereof to the local fire
200 marshal. Such permit so granted shall definitely state the location of
201 the building where such business is to be carried on or such explosive
202 deposited and shall state that such building or premises complies with
203 the regulations provided for in this section.

204 (e) No person shall procure, transport or use any explosives unless
205 such person has a valid license under subsection (b) of this section and
206 has obtained a written permit therefor signed by the Commissioner of
207 Public Safety or by the fire marshal of the town where such explosive
208 is to be used, specifying the name of the purchaser, the amount to be
209 purchased and transported and the purpose for which it is to be used.
210 Any such permit to use explosives shall state the number of years the
211 permittee has been engaged in blasting activity. Such permit shall be
212 valid for such period, not longer than one year, as is required to
213 accomplish the purpose for which it was obtained. No carrier shall
214 transport any such explosive until the vehicle transporting the
215 explosive has been inspected and approved by the Department of
216 Public Safety and unless such written permit accompanies the same

217 and no person shall have in such person's possession any such
218 explosive unless such person has a license and permit therefor. The fee
219 for such inspection shall be fifty dollars. The fee for such permit shall
220 be thirty dollars. Each person who has in such person's custody or
221 possession any explosive or any detonating caps for explosives shall
222 keep the same either under personal observation or securely locked
223 up.

224 (f) Any license or permit issued under the provisions of this section
225 may be suspended or revoked by the issuing authority for violation by
226 the licensee or permittee of any provision of law or regulation relating
227 to explosives or conviction of such licensee or permittee of any felony
228 or misdemeanor. Suspension or revocation of a license shall
229 automatically suspend or revoke the permit and the suspension or
230 revocation of a permit shall automatically suspend or revoke the
231 license.

232 (g) Any person who, by himself or herself or by such person's
233 employee or agent or as the employee or agent of another, violates any
234 provision of this section, or any regulation made by the Commissioner
235 of Public Safety pursuant to the provisions of this section, shall be
236 fined not more than ten thousand dollars or imprisoned not more than
237 ten years or both.

238 (h) As used in this section, "blasting agent" means any material,
239 composition or mixture intended for blasting, consisting substantially
240 of a fuel and oxidizer, none of the ingredients of which is an explosive
241 as defined in section 29-343, and the finished product of which as
242 mixed and packaged for use or shipment cannot be detonated by the
243 test procedure established by regulations adopted by the
244 Commissioner of Public Safety in accordance with chapter 54.

245 (i) Notwithstanding the provisions of this section, the Labor
246 Commissioner shall regulate the storage, transportation and use of
247 explosives and blasting agents in places of employment insofar as such
248 activities relate to employee health and safety, provided such
249 regulations shall be no less stringent than those prepared and enforced

250 by the Commissioner of Public Safety pursuant to this section.

251 (j) The State Fire Marshal may grant variations or exemptions from,
252 or approve equivalent or alternate compliance with, particular
253 provisions of any regulation adopted under this section where strict
254 compliance with such provisions would entail practical difficulty or
255 unnecessary hardship or is otherwise adjudged unwarranted,
256 provided any such variation, exemption, equivalent or alternate
257 compliance shall, in the opinion of the State Fire Marshal, secure the
258 public safety.

259 Sec. 6. Section 29-402 of the general statutes is repealed and the
260 following is substituted in lieu thereof (*Effective October 1, 2009*):

261 (a) No person shall engage in the business of demolition of
262 buildings without a certificate of registration obtained from the
263 Department of Public Safety. An applicant for initial registration shall
264 file an application with the Department of Public Safety, furnish
265 evidence of expertise and financial responsibility and pay a fee of three
266 hundred fifty dollars for a class B certificate and seven hundred fifty
267 dollars for a class A certificate. Each certificate shall be valid for twelve
268 months from date of issuance and shall be renewable on application of
269 the registrant upon payment of an annual fee of two hundred dollars
270 for a class B certificate and six hundred dollars for a class A certificate.
271 The department may refuse to issue any such certificate for cause, and
272 may revoke or refuse to renew any such certificate for failure to carry
273 out and conform to the provisions of this part or to any regulations
274 adopted hereunder, or for any violation of title 22a. No [person shall
275 be refused a certificate or a renewal thereof, and no certificate shall be
276 revoked,] certificate shall be suspended or revoked without an
277 opportunity for a hearing conducted by the Department of Public
278 Safety.

279 (b) As used in this part, the term "registration" includes the whole or
280 part of any permit which the Department of Public Safety issues under
281 authority of the general statutes and which (1) requires persons to
282 place their names on a list maintained by the department before they

283 can engage in the business of demolition of buildings, (2) [does not
 284 require] requires a person to demonstrate competence by examination
 285 or other means, and (3) may be revoked or suspended by the
 286 department for cause.

287 (c) The provisions of this section shall not apply to (1) a person who
 288 is engaged in the disassembling, transportation and reconstruction of
 289 historic buildings for historical purposes or in the demolition of farm
 290 buildings or in the renovation, alteration or reconstruction of a single-
 291 family residence, (2) the removal of underground petroleum storage
 292 tanks, (3) the burning of a building or structure as part of an organized
 293 fire department training exercise, or (4) the demolition of a single-
 294 family residence or outbuilding by an owner of such structure if it does
 295 not exceed a height of thirty feet, provided (A) the owner shall be
 296 present on site while such demolition work is in progress and shall be
 297 held personally liable for any injury to individuals or damage to public
 298 or private property caused by such demolition, and (B) such
 299 demolition shall be permitted only with respect to buildings which
 300 have clearance from other structures, roads or highways equal to or
 301 greater than the height of the structure subject to demolition. The local
 302 building official may require additional clearance when deemed
 303 necessary for safety.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2009</i>	29-195
Sec. 2	<i>October 1, 2009</i>	29-196
Sec. 3	<i>October 1, 2009</i>	29-292(a)
Sec. 4	<i>October 1, 2009</i>	29-298
Sec. 5	<i>October 1, 2009</i>	29-349
Sec. 6	<i>October 1, 2009</i>	29-402

PS *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 10 \$	FY 11 \$
Department of Public Safety- Division of Fire, Emergency and Building Services	GF - Potential Revenue Loss	Minimal	Minimal

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill makes a number of unrelated changes to public safety statutes affecting elevator inspections, manufacturing premises, fire marshals, explosives, and demolition that result in a potential minimal revenue loss to the Department of Public Safety Division of Fire, Emergency, and Building Services.

Section 1 exempts elevators of any size in private residences from certificate renewal requirements. Currently, only elevators in private residences that are of limited size, capacity, rise, and speed are exempt from this requirement. A renewal certificate is required once every two years for non-exempt elevators at a cost of \$120 per certificate. This would result in a potential minimal revenue loss for the Department of Public Safety Division of Fire, Emergency, and Building Services.

Sections 2 and 3 require manufacturing premises to abide by the state fire safety code. This technical change clarifies statute to reflect the provisions of PA 08-65, which allows local fire marshals the authority to inspect manufacturing premises for code compliance. This does not result in any fiscal impact.

Section 4 allows a deputy or acting fire marshal to assume the authority of a local fire marshal if no such fire marshal has been appointed. This does not result in any fiscal impact.

Section 5 allows the State Fire Marshal to waive certain regulation requirements relating to explosives if such provisions would result in practical difficulty or unnecessary hardship. This does not result in any fiscal impact.

Section 6 alters hearing requirements for the issuance, revocation, and suspension of demolition registration certificates, which does not result in any fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

Sources: Connecticut State Regulations; Office of Legislative Research (OLR)

OLR Bill Analysis**sHB 6324*****AN ACT CONCERNING THE INSPECTION OF ELEVATORS, THE AUTHORITY OF THE STATE AND LOCAL FIRE MARSHALS, THE REGULATION OF EXPLOSIVES AND OTHER TECHNICAL CHANGES.*****SUMMARY:**

This bill makes various unrelated changes affecting demolition registration certificates, explosives, fire marshals, elevator inspection, and manufacturing premises.

EFFECTIVE DATE: October 1, 2009

DEMOLITION CERTIFICATES

The bill prohibits the Department of Public Safety (DPS) from suspending a demolition registration certificate without a hearing opportunity, as is currently required for revocations. And it eliminates the opportunity for a hearing when DPS refuses to issue or renew a certificate. By law, the department may revoke, suspend, or refuse to issue a certificate for cause. It may refuse to renew a certificate for failure to comply with pertinent laws or regulations.

The bill also requires that a person demonstrate competence by examination or other means in order to get a certificate.

EXPLOSIVES

The bill allows the state fire marshal to approve variations, exemptions, or equivalent or alternate compliance with regard to certain regulations governing explosives if he determines that (1) strict compliance is unwarranted or would entail practical difficulty or unnecessary hardship and (2) the variation, exemption, or alternate compliance secures the public safety. The bill applies to regulations

governing the storage, transportation, use, manufacture, sale, and procurement of explosives.

FIRE MARSHALS

Under current law, deputy fire marshals must serve under the direction of local fire marshals, fire inspectors, and other fire investigators when enforcing the State Fire Safety Code and pertinent statutes. The bill conforms the law to practice by authorizing the deputy fire marshal or acting fire marshal to assume the authority granted to local fire marshals in cases where a local fire marshal has not been appointed under the law.

By law, the appointing authority may appoint a certified deputy fire marshal to act as fire marshal for up to 180 days upon the death, disability, dismissal, retirement or revocation of certification of the local fire marshal, and in the absence of an existing deputy fire marshal.

ELEVATORS

The bill exempts all elevators located in private residences, instead of “private residence elevators” as defined in regulations, from the DPS 18-month inspection schedule and two-year permit renewal requirements, irrespective of their size. The regulations define “private residence elevators” as any power passenger elevator of limited size, capacity, rise, and speed installed in a private residence or a “multiple dwelling.” Thus, under current law, elevators that do not meet the definition are subject to the inspection schedule even if they are in private residences.

Under current law and the bill, exempt elevators are inspected at the owner’s request.

MANUFACTURING PREMISES

The bill subjects manufacturing premises to the State Fire Safety Code. Public Act 08-65 implicitly subjected them to the code by authorizing local fire marshals to inspect them for code compliance.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable Substitute

Yea 20 Nay 0 (02/17/2009)